IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 21777 of 1997

Between:

1 Kasarabadha Venkata Narasaiah S/o Bapaiah, R/o Narakhapet Post & Village,

Nallabelli Mandal, Warangal.
2 Sayani Venkataiah S/o Rajaiah, R/o Viswanadhapuram, Gisugonda Mandal, Warangal.
3 Moluguri Papaiah S/o Muthi Lingam, R/o Madannapet Village, Narasampet Mandal,
Warangal District.
4 M.Peda Narasaiaha S/o Laxmaiah, R/o Muthogipet Village, Narasampet Mandal, Warangal District.
5 Ch.Rayapu Reddy S/o Mallareddy, R/o Elukurthy Havaeli, Dharmaram (Via), Warangal District.

..... PETITIONERS

AND

1 The Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, 1st Floor, Loknayak Bhavan, New Delhi.
2 The Chairman, Freedom Fighters Screening Committee, Ministry of Home Affairs, Freedom Fighters Division, 1st Floor, Loknayak Bhavan, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or direction preferably Writ of Mandamus directing the respondents to consider the petitioners' applications by placing the applications before the Screening Committee for sanction of Freedom Fighters' pension on par with the similarly situated persons under Swatantra Sainik Sanam Pension Scheme with all consequential benefits and arrears w.e.f. the date of which they have submitted their applications by declaring the inaction of the respondents in not considering their applications so far as illegal, arbitrary and discriminatory and violative of principles of natural justice.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR
Counsel for the Respondents: MR.KOTI REDDY IDAMAKANTI

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The petitioners, by this writ petition, seek a direction to the respondents to consider their applications by placing them before the Screening Committee for sanction of Freedom Fighters' Pension on par with similarly situated persons under Swatantra Sainik Samman Pension Scheme with all consequential benefits and arrears.

The petitioners claim to be freedom fighters having fought against the Nizam Rule. Their case is that they are eligible for freedom fighters' pension formulated by the Government of India under Swatantra Sainik Samman Pension Scheme. Their grievance is that though they applied for pension in the year 1984-85 and complied with all attendant formalities, the respondents have not considered their cases. Hence, the writ petition.

A reply affidavit is filed on behalf of the first respondent explaining in detail about the scheme of Samman Pension. It is stated that the claims of border camp suffering during Hyderabad Liberation Movement, which were not scrutinized and recommended by erstwhile Screening Committee, are considered as cases of underground suffering under normal provisions of Swatantrata Sainik Samman Pension Scheme, 1980. It is stated that following the directions of this Court in W.P. No.1070 of 1998 and batch, the respondents placed over 26,000 cases before the Hyderabad Special Screening Committee during its extended tenure between 01-01-1998 to 31-5-1998, but the names of the petitioners did not figure in the available list of cases recommended by the Screening Committee. It is stated that at present no Screening Committee is in existence. It is submitted that the petitioners have not indicated at any stage that their cases were sent to the first respondent with

recommendation/verification of the State Government, and in the absence of the same, it is not possible to consider their claims. It is submitted that the first respondent is willing to consider the claims of the petitioners as per law on merit and as per the provisions of the Scheme on receipt of their applications with requisite supporting documents and verification and entitlement to pension report of the State Government concerned.

In view of the averment in the reply affidavit filed on behalf of the first respondent that the cases of the petitioners were not sent to the first respondent with the recommendation/verification of the State Government, it is not possible for this Court to give a direction to the respondents to consider the cases of the petitioners for grant of freedom fighters' pension under Swatantrata Sainik Samman Pension Scheme. However, it is open for the petitioners to pursue their cases with the Government of Andhra Pradesh and get the same forwarded with its recommendation to the respondents. If any such recommendation being received, the respondents are at liberty to consider the cases of the petitioners in accordance with law and as per the provisions of Swatantrata Sainik Samman Pension Scheme.

With the above observations, the writ petition disposed of. No costs.

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N.V. RAMANA, J

Date: 07-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, 1st Floor, Loknayak Bhavan, New Delhi.
2 The Chairman, Freedom Fighters Screening Committee, Ministry of Home Affairs, Freedom Fighters Division, 1st Floor, Loknayak Bhavan, New Delhi.

3 Two CD copies

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